

# EXHIBIT 5

# Deposition Transcript

Case Number: 4:23-cv-02823

Date: September 13, 2024

In the matter of:

TWANA AHMED v UNIVERSAL PROTECTION SERVICE, LP, et al.

Katherine Marie Alyea

**CERTIFIED  
COPY**

Reported by:  
Alyssa A. Repsik

Steno  
Official Reporters

315 West 9th Street  
Suite 807  
Los Angeles, CA 90015  
concierge@steno.com  
(310) 573-8380  
NV: Firm #108F



1 UNITED STATES DISTRICT COURT FOR THE  
2 SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

3 - - -  
4 TWANA AHMED, ) CIVIL DIVISION  
5 )  
6 Plaintiff, ) NO. 4:23-cv-02823  
7 )  
8 -vs- )  
9 )  
10 )  
11 )  
12 )  
13 UNIVERSAL PROTECTION )  
14 SERVICE, d/b/a ALLIED )  
15 )  
16 UNIVERSAL SECURITY )  
17 SYSTEMS, )  
18 )  
19 Defendant. )  
20 )  
21 - - -  
22  
23  
24  
25

12 REMOTE VIDEOTAPED DEPOSITION OF  
13 KATHERINE MARIE ALYEA, located in Texas,  
14 commencing at 1:33 P.M. CST, 2:33 P.M. EST, on  
15 Friday, September 13, 2024, before ALYSSA A.  
16 REPSIK, Court Reporter and Notary Public in and  
17 for the Commonwealth of Pennsylvania.  
18  
19  
20  
21  
22  
23  
24  
25

KATHERINE MARIE ALYEA  
SEPTEMBER 13, 2024

JOB NO. 1171183

<p>Page 2</p> <p>1 APPEARANCES VIA ZOOM:</p> <p>2 FOR THE PLAINTIFF:</p> <p>3 AH LAW, PLLC</p> <p>4 BY: AMANDA C. HERNANDEZ, ESQ.</p> <p>5 5718 WESTHEIMER, SUITE 1000</p> <p>6 HOUSTON, TX 77057</p> <p>7 Amanda@ahfirm.com</p> <p>8</p> <p>9 FOR THE DEFENDANT:</p> <p>10 MARTENSON, HASBROUCK &amp; SIMON, LLP</p> <p>11 BY: NATHAN A. SHINE, ESQ.</p> <p>12 500 DAVIS STREET, SUITE 1003</p> <p>13 EVANSTON, IL 60201</p> <p>14 Nshine@martensonlaw.com</p> <p>15</p> <p>16 OTHER APPEARANCES:</p> <p>17 JENNIFER MUNTER STARK, ESQ.</p> <p>18 LEGAL VIDEOGRAPHER - TIMOTHY COX</p> <p>19</p> <p>20 ---o0o---</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 INDEX</p> <p>2 ---o0o---</p> <p>3 EXAMINATION: ATTORNEY HERNANDEZ</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 4</p> <p>1 P R O C E E D I N G S</p> <p>2 THE VIDEOGRAPHER: Good</p> <p>3 afternoon. We are on the record at 1:33 p.m.</p> <p>4 Central Time on September 13, 2024, to begin</p> <p>5 the deposition of Katherine Marie Alyea in the</p> <p>6 matter of Twana Ahmed versus Universal</p> <p>7 Protection Services, LP, doing business as</p> <p>8 Allied Universal.</p> <p>9 The venue for this case is in the</p> <p>10 United States District Court for the Southern</p> <p>11 District of Texas, Houston Division. The case</p> <p>12 number is 4:23-CV-02823.</p> <p>13 This deposition is taking place via</p> <p>14 Zoom video conference. The legal videographer</p> <p>15 is Timothy Cox, here on behalf of Steno, and</p> <p>16 the court reporter is Sara Acklin [sic], also</p> <p>17 here on behalf of Steno.</p> <p>18 So would counsel please identify</p> <p>19 yourselves and state whom you represent.</p> <p>20 ATTORNEY HERNANDEZ: Amanda</p> <p>21 Hernandez for the plaintiff, Twana Ahmed.</p> <p>22 ATTORNEY SHINE: Nathan Shine</p> <p>23 for defendant, Universal Protection Service,</p> <p>24 LP, doing business as Allied Universal Security</p> <p>25 Services.</p>	<p>Page 5</p> <p>1 THE VIDEOGRAPHER: Thank you,</p> <p>2 Counsel.</p> <p>3 Would the reporter please swear in</p> <p>4 the witness.</p> <p>5 KATHERINE MARIE ALYEA, a</p> <p>6 witness herein, having been first duly sworn,</p> <p>7 was examined and testified as follows:</p> <p>8 EXAMINATION</p> <p>9 BY ATTORNEY HERNANDEZ:</p> <p>10 Q. Ms. Alyea, do you agree that</p> <p>11 companies must protect employees from</p> <p>12 discrimination in the workplace?</p> <p>13 A. Yes.</p> <p>14 Q. Is that important?</p> <p>15 A. Yes, it is.</p> <p>16 Q. On a scale of 1 to 10 where 1 is not</p> <p>17 important at all and 10 is the most important,</p> <p>18 how important is it that companies protect</p> <p>19 employees from discrimination in the workplace?</p> <p>20 A. Well, I would say a 10, in my</p> <p>21 perspective.</p> <p>22 Q. And why is it so important?</p> <p>23 A. Because I think it's -- well, in my</p> <p>24 opinion, you always want to provide a safe work</p> <p>25 environment for all your employees.</p>

KATHERINE MARIE ALYEA  
SEPTEMBER 13, 2024

JOB NO. 1171183

<p style="text-align: right;">Page 6</p> <p>1 Q. Why is that?</p> <p>2 A. Why? Because I think that that's</p> <p>3 the responsibility of the employer, in my</p> <p>4 opinion.</p> <p>5 Q. Do you agree that companies must</p> <p>6 protect employees from retaliation when they</p> <p>7 report discrimination?</p> <p>8 A. Yes.</p> <p>9 Q. And on the same scale of 1 to 10,</p> <p>10 how important is it that companies protect</p> <p>11 employees from retaliation when they report</p> <p>12 discrimination?</p> <p>13 A. 10.</p> <p>14 Q. Do you agree that companies must</p> <p>15 protect employees from retaliation when they</p> <p>16 request religious accommodations?</p> <p>17 A. Yes.</p> <p>18 Q. And on the same scale of 1 to 10,</p> <p>19 how important is it that companies protect</p> <p>20 employees from retaliation when they request</p> <p>21 religious accommodations?</p> <p>22 A. 10.</p> <p>23 Q. And is it fine with you if I refer</p> <p>24 to "Allied Universal" as just "Allied"?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Okay. Are Allied's policies and</p> <p>2 procedures mandatory?</p> <p>3 ATTORNEY SHINE: Objection.</p> <p>4 This witness is not a 30(b)(6) witness.</p> <p>5 But to the extent she has personal</p> <p>6 knowledge, she can answer.</p> <p>7 THE WITNESS: What was the</p> <p>8 question, again? I'm sorry.</p> <p>9 BY ATTORNEY HERNANDEZ:</p> <p>10 Q. Are Allied's policies and procedures</p> <p>11 mandatory?</p> <p>12 A. In my opinion, I would say yes.</p> <p>13 We're obligated to follow them.</p> <p>14 Q. Okay. And Allied has a</p> <p>15 zero-tolerance policy for discrimination and</p> <p>16 harassment; correct?</p> <p>17 A. That's correct.</p> <p>18 Q. And also, Allied has a</p> <p>19 zero-tolerance policy for retaliation in the</p> <p>20 workplace; correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Would you agree that discrimination</p> <p>23 in the workplace is a foreseeable danger to</p> <p>24 employees?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 8</p> <p>1 Q. And why not?</p> <p>2 A. Well, in my opinion, I think that if</p> <p>3 we're doing what we're supposed to be doing,</p> <p>4 they shouldn't experience those things if we're</p> <p>5 following the policies.</p> <p>6 Q. So would that mean that you believe</p> <p>7 that discrimination and retaliation in the</p> <p>8 workplace are preventable?</p> <p>9 A. I would think so, yes, in my</p> <p>10 opinion.</p> <p>11 Q. And in your experience, what does</p> <p>12 Allied do to ensure that there is no</p> <p>13 discrimination or retaliation in the workplace?</p> <p>14 A. Well, I would believe that our</p> <p>15 training would help accommodate some of those</p> <p>16 things or educate people on what's -- what your</p> <p>17 behavior should be in the workplace.</p> <p>18 Q. Okay. Anything else besides</p> <p>19 training?</p> <p>20 A. Well, training, policy. All of</p> <p>21 those things.</p> <p>22 Q. Okay. Anything else besides</p> <p>23 training and the policy?</p> <p>24 A. Well, I would think that the</p> <p>25 managers are -- like I said, would uphold the</p>	<p style="text-align: right;">Page 9</p> <p>1 company standards.</p> <p>2 Q. How does Allied ensure that the</p> <p>3 managers uphold the company standards?</p> <p>4 A. Well, we have reporting procedures</p> <p>5 if they're not holding the standards. We have</p> <p>6 training, like I said. Remedial training.</p> <p>7 It's ongoing.</p> <p>8 Q. Okay. How long have you been with</p> <p>9 Allied?</p> <p>10 A. 10 years.</p> <p>11 Q. And what is your title?</p> <p>12 A. It's senior regional HR manager.</p> <p>13 Human resources manager.</p> <p>14 Q. Have you always held that title?</p> <p>15 A. No.</p> <p>16 Q. Okay. When you were first hired,</p> <p>17 what was your title?</p> <p>18 A. My first title was with Allied</p> <p>19 Barton, and I was the district support manager.</p> <p>20 Q. Was that an HR role?</p> <p>21 A. Yes, it was an HR function.</p> <p>22 Q. Was that in Houston?</p> <p>23 A. Correct, in Houston.</p> <p>24 Q. So you said 10 years, so would that</p> <p>25 have been in 2014?</p>

KATHERINE MARIE ALYEA  
SEPTEMBER 13, 2024

JOB NO. 1171183

<p style="text-align: right;">Page 26</p> <p>1 report and the discipline be a potential sign 2 of retaliation? 3 <b>A. Yes.</b> 4 Q. Could ignoring reports of 5 discrimination be a sign of retaliation? 6 <b>A. Yes.</b> 7 Q. Could physical threats after a 8 protected activity be a sign of retaliation? 9 ATTORNEY SHINE: Objection. 10 Calls for a legal conclusion. 11 ATTORNEY HERNANDEZ: Let me 12 back up. 13 BY ATTORNEY HERNANDEZ: 14 Q. In your experience and training, are 15 you familiar with what a protected activity is, 16 and how would you define "protected activity"? 17 <b>A. I would say it's something like --</b> 18 <b>are you -- well, it's just -- I don't know.</b> 19 <b>I'm trying to think of an example, but</b> 20 <b>typically, like, our social media or religious</b> 21 <b>beliefs, all those things are, to me, are</b> 22 <b>protected activities on some level.</b> 23 Q. Would a report of discrimination be 24 considered protected activity? 25 <b>A. Mm-hmm.</b></p>	<p style="text-align: right;">Page 27</p> <p>1 Q. Would opposing discrimination be 2 considered protected activity? 3 <b>A. Yes.</b> 4 Q. Would requesting an accommodation be 5 considered protected activity? 6 <b>A. Yes.</b> 7 Q. In your experience, could threats to 8 fire an employee after his protected activity 9 be a red -- potential red flag of retaliation? 10 <b>A. Yes.</b> 11 Q. Could physical threats after 12 protected activity be a potential red flag of 13 retaliation? 14 <b>A. Yes.</b> 15 Q. Could visible anger after protected 16 activity be a sign or red flag of retaliation? 17 <b>A. Yes.</b> 18 Q. Could threats to revoke the 19 employee's security license after protected 20 activity be a sign or a red flag of potential 21 retaliation? 22 <b>A. Yes.</b> 23 Q. And could failure to follow policies 24 be a potential sign of retaliation? 25 <b>A. Yes.</b></p>
<p style="text-align: right;">Page 28</p> <p>1 Q. What was your involvement with the 2 investigation into Twana Ahmed's report of 3 discrimination? 4 <b>A. I'm sorry? What?</b> 5 Q. What was your involvement with the 6 investigation into Twana Ahmed's report of 7 discrimination? 8 <b>A. So typically, if one of my reports</b> 9 <b>has an investigation of that nature, I'll coach</b> 10 <b>them. I'll ask them questions, where they are</b> 11 <b>along with it, where they are in the process</b> 12 <b>and any other suggestions that I may have, that</b> 13 <b>they'll bring any concerns to me, and then I'll</b> 14 <b>assist them.</b> 15 Q. Okay. Maybe I didn't ask it in the 16 right way. But were you involved with 17 investigating the report that Twana Ahmed made? 18 <b>A. No. I mean typically, if they are</b> 19 <b>assigned the case, it's their case. But I do</b> 20 <b>have -- like, we have weekly meetings where we</b> 21 <b>cover certain items, like, if they have</b> 22 <b>questions or -- I mean, I office with Wayne, so</b> 23 <b>if he has questions, you know, they can come</b> 24 <b>and talk to me as they go through the process.</b> 25 Q. I see.</p>	<p style="text-align: right;">Page 29</p> <p>1 <b>A. I'm a resource for them.</b> 2 Q. I see. Did you assign the 3 investigation to Wayne when it came in? 4 <b>A. I don't remember being the one that</b> 5 <b>assigned it to him. I would say it was</b> 6 <b>probably my supervisor that assigned it to him.</b> 7 Q. And who is your supervisor at the 8 time? 9 <b>A. LaShonda Tenner.</b> 10 Q. Okay. In Wayne's investigation into 11 Twana Ahmed's report of discrimination, did you 12 find it unusual that Patrick Freeney did not 13 type out his notices of counseling? 14 <b>A. I would not find that totally</b> 15 <b>unusual because sometimes those are issued in</b> 16 <b>the field, and they may not have their</b> 17 <b>computers.</b> 18 <b>I have other sites that, you know,</b> 19 <b>don't have a computer at all, so typically -- I</b> 20 <b>mean, I prefer them to be typed, but it's not</b> 21 <b>unusual.</b> 22 Q. Why do you prefer them to be typed? 23 <b>A. Because of handwriting or</b> 24 <b>penmanship, so to say. It's easier to read</b> 25 <b>sometimes if they're typed.</b></p>

KATHERINE MARIE ALYEA  
SEPTEMBER 13, 2024

JOB NO. 1171183

<p style="text-align: right;">Page 50</p> <p>1 Were you involved in -- in Alex 2 Bergeron's demotion? 3 <b>A. No.</b> 4 Q. Do you have knowledge of it? 5 <b>A. Only due to what I found out during</b> 6 <b>this -- the course of discovery and stuff like</b> 7 <b>that.</b> 8 Q. And what did you find out? 9 <b>A. That he stated he was demoted</b> 10 <b>because of -- from Patrick.</b> 11 Q. And was he, in fact, demoted? 12 <b>A. In our system, it shows that he was</b> 13 <b>possibly demoted, yes.</b> 14 Q. Do you know why he was demoted? 15 <b>A. I do not know that.</b> 16 Q. Okay. When a manager demotes a 17 supervisor, does that need to get approval by 18 anyone? 19 <b>A. No.</b> 20 Q. Okay. When managers or members of 21 HR receive reports of discrimination, what are 22 they supposed to do? 23 ATTORNEY SHINE: Objection. 24 This is not a 30(b)(6) witness. 25 However, to the extent she has</p>	<p style="text-align: right;">Page 51</p> <p>1 personal knowledge, she can testify. 2 <b>THE WITNESS: Can you say the</b> 3 <b>question again?</b> 4 BY ATTORNEY HERNANDEZ: 5 Q. Sure. In your experience at Allied, 6 when managers receive reports of discrimination 7 or supervisors, what are they supposed to do? 8 <b>A. They are supposed to report it to</b> 9 <b>HR.</b> 10 Q. Okay. Is it ever okay to ignore a 11 report of discrimination? 12 <b>A. No. If you're in a supervise- -- I</b> 13 <b>mean, I have -- no. They should definitely</b> 14 <b>pass it along.</b> 15 Q. Okay. Do you understand what I mean 16 when I say "N word"? 17 <b>A. I'm sorry?</b> 18 Q. Do you understand what I mean when I 19 say "N word"? 20 <b>A. I think so. In a racial context?</b> 21 Q. Yes. 22 <b>A. Okay. Yes.</b> 23 Q. Do you agree that the N word is a 24 racial slur? 25 <b>A. Absolutely.</b></p>
<p style="text-align: right;">Page 52</p> <p>1 Q. And is it against Allied's policies 2 to use the N word? 3 ATTORNEY SHINE: Objection. 4 She is not a 30(b)(6) witness. 5 However, in her personal experience, 6 she can testify. 7 <b>THE WITNESS: What was the</b> 8 <b>question again?</b> 9 BY ATTORNEY HERNANDEZ: 10 Q. Is it against Allied's policies to 11 use the N word in the workplace? 12 <b>A. Yes.</b> 13 Q. And then would it be against policy 14 for managers to call workers a "sand N word"? 15 ATTORNEY SHINE: Same 16 objection, but you can answer. 17 <b>THE WITNESS: I don't have any</b> 18 <b>knowledge of anybody using that phrase.</b> 19 BY ATTORNEY HERNANDEZ: 20 Q. Right. That wasn't the question. 21 Is it against policy for managers to 22 call employees a "sand N word"? 23 <b>A. Yes.</b> 24 Q. On a scale of 1 to 10, with 1 being 25 not harmful at all and 10 being extremely</p>	<p style="text-align: right;">Page 53</p> <p>1 harmful, how harmful is it to call someone a 2 "sand N word"? 3 ATTORNEY SHINE: Objection. 4 Calls for speculation. 5 But to the extent she has a 6 responsive answer, she can testify. 7 <b>THE WITNESS: I would say it's</b> 8 <b>a 10.</b> 9 BY ATTORNEY HERNANDEZ: 10 Q. All right. I think I'm almost done. 11 I'm just going to take a couple minutes to look 12 over my notes. 13 Give me five minutes, okay? 14 <b>A. Okay.</b> 15 Q. And we'll go off the record. 16 THE VIDEOGRAPHER: We are now 17 off the record. The time is 2:44 p.m. Central 18 Time. 19 (A recess was taken.) 20 THE VIDEOGRAPHER: We are now 21 on the record. The time is 2:49 p.m. Central 22 Time. 23 ATTORNEY HERNANDEZ: I pass 24 the witness. 25 ATTORNEY SHINE: I have no</p>

KATHERINE MARIE ALYEA  
SEPTEMBER 13, 2024

JOB NO. 1171183

Page 54		Page 55	
1	questions.	1	We are now off the record. The time
2	THE VIDEOGRAPHER: Okay.	2	is 2:50 p.m. Central Time.
3	Ms. Repsik, you want to confirm transcript	3	- - -
4	orders?	4	(Thereupon, the deposition was
5	THE REPORTER: Mr. Shine, do	5	concluded at 2:50 p.m. CST, 3:50 p.m. EST.
6	you need a copy of this transcript?	6	Signature was not waived.)
7	ATTORNEY SHINE: Yes, please.	7	- - -
8	THE REPORTER: Thank you.	8	
9	Does anyone need a rough draft?	9	
10	ATTORNEY HERNANDEZ: No.	10	
11	ATTORNEY SHINE: No.	11	
12	THE VIDEOGRAPHER: Okay. And	12	
13	then for the video orders, Ms. Hernandez, we	13	
14	have your standard order. Is that still good?	14	
15	ATTORNEY HERNANDEZ: Yes.	15	
16	THE VIDEOGRAPHER: And,	16	
17	Mr. Shine, would you like a copy of the video	17	
18	deposition?	18	
19	ATTORNEY SHINE: No. Thank	19	
20	you.	20	
21	THE VIDEOGRAPHER: Okay. So	21	
22	this concludes the deposition of Katherine	22	
23	Marie Alyea in the matter of Twana Ahmed versus	23	
24	Universal Protection Services, LP, doing	24	
25	business as Allied Universal.	25	
Page 56		Page 57	
1	C E R T I F I C A T E	1	ERRATA SHEET
2	- - -	2	PAGE LINE REASON FOR
3	I, KATHERINE MARIE ALYEA, do hereby certify	3	CHANGE/CORRECTION
4	that I have read the foregoing transcript and	4	
5	it is a true and correct copy of my deposition,	5	
6	except for the changes, if any, made by me on	6	
7	the attached Deposition Correction Sheet.	7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

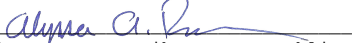


KATHERINE MARIE ALYEA  
SEPTEMBER 13, 2024

JOB NO. 1171183

Page 58

1 COMMONWEALTH OF PENNSYLVANIA )  
2 ) SS  
3 COUNTY OF BERKS )  
4 CERTIFICATE  
5 I, Alyssa A. Repsik, a notary public in and  
6 for the Commonwealth of Pennsylvania, do hereby  
7 certify that the witness, KATHERINE MARIE  
8 ALYEA, was by me first duly sworn to testify  
9 the truth, the whole truth, and nothing but the  
10 truth; that the foregoing deposition was taken  
11 at the time and place stated herein; and that  
12 the said deposition was recorded  
13 stenographically by me and then reduced to  
14 typewriting under my direction and constitutes  
15 a true record of the testimony given by said  
16 witness.  
17  
18 I further certify that I am not a relative,  
19 employee, or attorney of any of the parties or  
20 a relative or employee of either counsel and  
21 that I am in no way interested directly or  
22 indirectly in this action.  
23  
24 IN WITNESS WHEREOF, I have hereunto set my  
25 hand and affixed my seal of office this 24th  
day of September 2024.

  
Alyssa A. Repsik, Notary Public  
Court Reporter  
Notary Public  
Berks County  
My Commission Expires March 12, 2028  
Commission Number 1296614